

FORTY-SECOND DAY

(Tuesday, April 4, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by Senator Aikin.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Blanchard Strong

A quorum was announced present.

**Communication From
Lieutenant Governor**

Austin, Texas,
April 4, 1967.

Hon. A. M. Aikin, Jr., State Senator,
Capitol Station, Austin, Texas.

Dear Senator: I hereby authorize you to serve as presiding officer of the Texas Senate on April 4, 1967.

Sincerely,
PRESTON SMITH

The Secretary of the Senate, Mr. Charles Schnabel, offered the invocation.

On motion of Senator Hardeman, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Strong was granted leave of absence for today on account of important business on motion of Senator Schwartz.

Senator Blanchard was granted leave of absence for today on account of important business on motion of Senator Schwartz.

Reports of Standing Committees

Senator Watson submitted the following reports:

Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 477, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

WATSON, Chairman.

Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 219, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

WATSON, Chairman.

C. S. S. B. No. 219 was read the first time.

Senator Moore submitted the following reports:

Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 37, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to which was referred S. J. R. No. 32, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 11, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 34, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Cole submitted the following reports:

Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 394, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 431, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLE, Chairman.

Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 292, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

COLE, Chairman.

C. S. S. B. No. 292 was read the first time.

Senate Concurrent Resolution 47

Senator Moore offered the following resolution:

S. C. R. No. 47, Granting J. C. Evans and George Evans permission to sue the State of Texas.

Whereas, J. C. Evans and George Evans are residents of Houston County, Texas, and operate a dairy and make their home near the Eastham State Farm located in Houston County, Texas; and

Whereas, The Eastham State Farm is a unit of the Texas Department of Public Corrections and houses approximately two thousand inmates of the Texas Penal System; and

Whereas, The main unit of the Texas Department of Corrections is located in the City of Huntsville, Walker County, Texas; and

Whereas, On the 25th day of March, 1966, the said J. C. Evans and George Evans were subjected to a vicious and wanton attack by two escapees of the Eastham State Farm located near Weldon, Houston County, Texas; and

Whereas, The escaping inmates were able to effect their escape because only one guard had been assigned to supervise approximately forty inmates who were working in the woods; and

Whereas, After the two inmates effected their escape the authorities of the Eastham State Farm refused to warn the local citizenry living in the vicinity of the Eastham State Farm that two dangerous and vicious inmates had been able to escape from custody; and

Whereas, The said J. C. Evans and George Evans were totally and completely unaware of such escape and as the result of their lack of knowledge of such escape neither the said J. C. Evans or George Evans exercised the same extraordinary precaution that they would have exercised had they been notified of

such escape and the fact that the escapees were considered to be vicious and dangerous criminals; and

Whereas, J. C. Evans and George Evans entered their dairy barn preparatory to milking the herd as was their usual custom prior to daylight on the 25th day of March, 1966, when suddenly and without warning they were stricken down by the two escapees who were wielding metal instruments of some kind or character and in addition thereto the two escapees were armed and subjected the said J. C. Evans and George Evans to a vicious attack about the head, shoulders and body of each; and

Whereas, The escaped inmates thereafter began a reign of terror in the home of the said J. C. Evans and George Evans; and

Whereas, The escapees finally left after severely beating J. C. Evans and George Evans and leaving them with severe and disabling injuries that are of a permanent and lasting nature; and

Whereas, The inmates would not have escaped had it not been for the negligence of the authorities of the Eastham State Farm in assigning forty men to the care and custody of one guard when the authorities well knew, or should have foreseen, that one custodian could not supervise the work of forty inmates and particularly in the wooded area where they were working; and

Whereas, The authorities of the Eastham State Farm were well aware of the fact that the two escapees were vicious and dangerous criminals and were likely to employ any means to effect their escape and for this reason the authorities of the Eastham State Farm were negligent in failing to notify the local citizens, including J. C. Evans and George Evans, that the two inmates had escaped and that they were dangerous and cautioning them to exercise every reasonable precaution for their own safety and well being; and

Whereas, The Director of the Department of Corrections denies these contentions and avers that the authorities or custodians of the Eastham State Farm and particularly the custodian in charge of the two escapees was negligent in any manner and denies also that the Department of Corrections or any of its personnel were negligent in failing to notify the local citizens, and particularly J. C.

Evans and George Evans, that the inmates had escaped; and

Whereas, Such controversy should be determined and decided by the courts of this State; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said J. C. Evans and George Evans be, and they are hereby, given permission to sue the State of Texas, jointly or by separate suits, in any court of competent jurisdiction in said State to determine whether or not the State is liable to them for damages resulting from injuries suffered by them after having been beaten by the two escapees of the Eastham State Farm; and be it further

Resolved, That service of citation and of any other legal process in any such suit shall be had upon the Director of the Texas Department of Corrections and upon the Attorney General of the State of Texas, with service of process upon both of these officials to have the same force and effect as the service of process upon a Defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, that any such party in any such suit shall have the right of appeal as provided in other civil cases; and be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in any such suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit or suits, but all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 328, to Committee on Insurance.

Reports of Standing Committees

Senator Herring by unanimous consent submitted the following report:

Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred S. C. R. No. 47, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senator Cole by unanimous consent submitted the following report:

Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 525, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Senate Concurrent Resolution 47 Ordered Not Printed

On motion of Senator Moore and by unanimous consent S. C. R. No. 47 was ordered not printed.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 82, Commending Mrs. Percy Jones and her family for their dedication toward civic betterment and expressing appreciation for their gift of a park site to the city of Abilene.

H. B. No. 115, A bill to be entitled "An Act to amend Section 4 of Chapter 129, page 219, Acts 56th Legislature, Regular Session, 1959, so as to eliminate the maximum student requirement for entering classes at The University of Texas South Texas Medical School; and declaring an emergency."

H. B. No. 306, A bill to be entitled "An Act amending the Veterans' Land Board—Veterans' Land Fund Act, being Chapter 318, Acts of the Fifty-first Legislature, Regular Session 1949, as amended, providing for the issuance and sale of Veterans' Land Bonds; providing for certain moneys and lands to comprise the Veterans' Land Fund; providing for the repayments of the principal and interest due on Veterans' Land Bonds, investments of the moneys of the Veterans' Land Fund, certain uses of the moneys of the Fund, for the negotiability of Veterans' Land Bonds, declaring Veterans' Land Bonds to be legal investments under certain circumstances, for the purchase of Veterans' Land Bonds on the open market and cancellation of the indebtedness represented thereby; providing for certain expenses to be paid out of certain moneys of the Veterans' Land Fund; providing for the purchase of lands with certain moneys of the Veterans' Land Fund; providing for the purchase, subdivision and sale or resale of lands by the Veterans' Land Board and the payment of certain expenses out of certain moneys of the Veterans' Land Fund; providing for the purchase and sale of land selected by veterans; providing generally for the sale of land acquired by the Veterans' Land Board, for the transfer, sale or conveyance of land by veterans and their heirs or assigns, for leases by veterans and their heirs or assigns, for the prohibition of certain transactions by veterans and their heirs or assigns and exceptions thereto, and for the issuance of deeds by the Chairman of the Veterans' Land Board and the effect thereof; providing a saving and severability clause; making the Act cumulative; and declaring an emergency."

H. B. No. 392, A bill to be entitled "An Act changing the name of Texas College of Arts and Industries at Kingsville, Texas, to South Texas State University at Kingsville, Texas; making all laws and agreements heretofore or hereafter enacted applicable to said institution under its new name; providing that all legislative acts and appropriations for the benefit of the Texas College of Arts and Industries shall be applicable to and shall benefit the South Texas State University; providing that funds allocated to and bonds issued by and on behalf of the Texas College of Arts and Industries under the Constitution shall be allocated to and issued by the South Texas State University; ratifying, confirming and validating all bonds and notes heretofore issued in the name of the Texas College of Arts and Industries; providing for severability; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 437, A bill to be entitled "An Act relating to the certificate renewal fee for registered public surveyors; amending Section 6(c), Chapter 328, Acts of the 54th Legislature, 1955 (Article 5282a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 475, A bill to be entitled "An Act amending the Special Fuel Tax Law, enacted as Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, by amending subsection (6) of Article 10.03 authorizing suppliers of liquefied gas to make deductions from the taxable gallons to cover fuel used in stationary pumping operations; containing savings and severability clauses; repealing laws in conflict with this Act; and declaring an emergency."

H. B. No. 512, A bill to be entitled "An Act exempting from the limited sales, excise, and use tax property for use in offshore exploration and production of oil, gas, and other minerals; amending Subdivision (3), Section (0), and adding Section (X), Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 446, A bill to be entitled "An Act relating to the authority of

cities and counties to issue revenue bonds for the purpose of acquiring property for industrial development purposes, and to lease such property; providing that the property is taxable; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 108 Re-Referred

On motion of Senator Schwartz and by unanimous consent H. B. No. 108 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Military and Veterans Affairs.

Senate Resolution 355

Senator Hazlewood offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Rep. Lantz Womack and Mr. Ellis C. McGee, of Baton Rouge, Louisiana; and

Whereas, Rep. Womack has been Chairman of the Louisiana State Committee on Agriculture for seven years and on the Legislative Budget Board since 1964 and is an outstanding leader, farmer and prominent citizen of our neighboring State, Louisiana; and

Whereas, Mr. McGee is an outstanding attorney, civic leader and prominent citizen of Louisiana; and

Whereas, It is the desire of the Senate to welcome these distinguished visitors to the Capital City and to the State of Texas; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and extended the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Hazlewood by unanimous consent presented the distinguished guests to the Members of the Senate.

Senate Bill 204 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time

on its second reading and passage to engrossment:

S. B. No. 204, A bill to be entitled "An Act to establish the Texas Water Quality Board, prescribe its powers, duties, functions, and procedures and to provide for the establishment and control of the quality of the waters in the state and the control, prevention, and abatement of pollution; validating previous actions of the Texas Water Pollution Control Board; providing penalties; repealing Chapter 42, Acts of the 57th Legislature, 1st Called Session, 1961, as amended (Article 7621d, Vernon's Texas Civil Statutes), and repealing certain other laws to the extent of conflict; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following Committee Amendment to the bill:

Amend Senate Bill No. 204, Section 12, by striking the last sentence thereof and substituting in lieu thereof the following:

"The venue in any or all such actions is hereby fixed in the District Court of Travis County or in any District Court of the County where the aggrieved person or persons reside."

The Committee Amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend Section 15 (3)(b) of Senate Bill No. 204 by adding after the comma at the end of the phrase "including temporary restraining orders" the following words:

"after notice and hearing,"

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend Senate Bill No. 204 by striking out Section 17 thereof and inserting in lieu thereof the following:

"Sec. 17. COOPERATIVE AGREEMENT, A local government may enter into cooperative agreements and contracts with other local governments or the Board:

"(a) to perform water quality management, inspection and enforcement and give and provide technical aid and educational services to any entity that is a party to the agreement; and

"(b) for the transfer of money or property from any entity which may be a party to the agreement to another such entity for the purpose of water quality management, inspection, enforcement, technical aid and education as well as construction, ownership, purchase, maintenance and operation of disposal systems."

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend Section 11(h) of Senate Bill No. 204 by renumbering the present paragraph (6) thereof as paragraph (7), and inserting a new paragraph (6) to read as follows:

"(6) make contracts and agreements and execute instruments that are necessary or convenient to the exercise of the powers, rights, duties and functions of the Board."

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend Section 22 of S. B. No. 204 by adding a new sentence at the end thereof reading as follows:

"Any permit or order of the Texas Water Pollution Control Board in litigation on the effective date of this Act shall not be affected by this section, and the rights of the complaining party are expressly reserved."

The amendment was read and was adopted.

Senator Cole offered the following amendment to the bill:

Amend Senate Bill No. 204 by striking the words "Assistant Executive" in the second sentence of Section 12, and inserting in lieu thereof the word "Deputy".

The amendment was read and was adopted.

Senator Cole offered the following amendment to the bill:

Amend Senate Bill 204 by striking the second sentence in Subsection (m) of Section 11 and inserting in lieu thereof the following:

"A city that operates a waste disposal system which attains an approved rating has the privilege of erecting signs of a design approved by the Board on highways approaching that city."

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend S. B. No. 204, Sec. 16 by putting a period after the word "Government" on line 4 of the printed bill, page 12, and striking the language which follows and adding the following language:

"The board shall issue no permit to discharge any effluent within such limits if such Governmental Body furnishes the Board with a formal resolution protesting the issuance of any such permit applied for."

The amendment was read.

Question—Shall the amendment by Senator Schwartz to S. B. No. 204 be adopted?

Recess

On motion of Senator Parkhouse the Senate at 11:53 o'clock a.m. took recess until 2:30 o'clock p.m. today.

After Recess

Senator Aikin called the Senate to order at 2:30 o'clock p.m. today.

House Concurrent Resolution 82 on Second Reading

The Presiding Officer laid before the Senate the following resolution:

H. C. R. No. 82, Commending Mrs. Percy Jones and her family for their dedication toward civic betterment and expressing appreciation for their gift of a park site to the city of Abilene.

The resolution was read.

On motion of Senator Ratliff and by unanimous consent the resolution

was considered immediately and was adopted.

Senate Bill 204 on Second Reading

The Senate resumed consideration of the pending business (same being S. B. No. 204 on second reading and passage to engrossment with an amendment by Senator Schwartz pending.)

Question—Shall the amendment by Senator Schwartz to S. B. No. 204 be adopted?

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—12

Bates	Jordan
Bernal	Kennard
Connally	Patman
Grover	Schwartz
Hardeman	Watson
Harrington	Wilson

Nays—13

Aikin	Moore
Christie	Parkhouse
Cole	Ratliff
Hazlewood	Reagan
Herring	Wade
Hightower	Word
Mauzy	

Absent

Berry	Creighton
Brooks	Hall

Absent—Excused

Blanchard	Strong
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Senator Schwartz offered the following amendment to the bill:

Amend S. B. No. 204, Section 16 by putting a period after the word "Government" on line 4 of page 12 of the printed bill.

The amendment was read and was adopted.

Record of Votes

Senators Herring and Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Grover offered the following amendment to the bill:

Amend S. B. No. 204, Section 4, line 13 by striking the period after the word "members" and adding these words:

"which newly appointed members shall represent and be appointed from the various geographical areas of the state with at least two members being residents of counties bordering the Gulf of Mexico."

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—8

Brooks	Mauzy
Grover	Patman
Harrington	Schwartz
Jordan	Wilson

Nays—20

Aikin	Herring
Bates	Hightower
Berry	Kennard
Christie	Moore
Cole	Parkhouse
Connally	Ratliff
Creighton	Reagan
Hall	Wade
Hardeman	Watson
Hazlewood	Word

Absent

Bernal

Absent—Excused

Blanchard Strong

Senator Schwartz offered the following amendment to the bill:

Amend S. B. No. 204, Section 3(J) by adding the following new sentence as a paragraph at the end of such section.

"The Board in considering the issuance of any permit to discharge effluent into any body of water having an established recreational standard shall consider any unpleasant odor quality of such effluent, and the possible adverse effect that same might have on the receiving body of water and its recreational uses before

granting such permit and may consider it as one of the elements of the water quality of such effluent proposed to be discharged into such recreational body of water."

The amendment was read and was adopted.

Senator Wilson offered the following amendment to the bill:

Amend S. B. No. 204, Section 16(a) by adding a new sentence to that section, to wit:

"When a local government makes written recommendations to the Board concerning the water quality criteria which they desire and these criteria are stricter than those adopted by the Board, the Board shall adopt these stricter standards as the ones to be used within the jurisdictional area of the local government."

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—10

Bernal	Kennard
Brooks	Mauzy
Grover	Patman
Harrington	Schwartz
Jordan	Wilson

Nays—19

Aikin	Herring
Bates	Hightower
Berry	Moore
Christie	Parkhouse
Cole	Ratliff
Connally	Reagan
Creighton	Wade
Hall	Watson
Hardeman	Word
Hazlewood	

Absent—Excused

Blanchard Strong

Senator Schwartz offered the following amendment to the bill:

Amend S. B. No. 204, Section 11. K(1), page 8 of the printed bill, line 14 by adding the sentence as follows:

"The Board may consider in its deliberations on such permits, the type of facility designed to hold any

polluted water for ultimate discharge into any body of water of this state so that accidental discharge by unusual weather circumstances will be prevented.

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—10

Bernal	Mauzy
Berry	Patman
Grover	Reagan
Hall	Schwartz
Harrington	Wilson

Nays—17

Aikin	Herring
Bates	Hightower
Brooks	Jordan
Christie	Kennard
Cole	Parkhouse
Connally	Ratliff
Creighton	Wade
Hardeman	Word
Hazlewood	

Absent

Moore	Watson
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Absent—Excused

Blanchard	Strong
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On motion of Senator Herring and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Question on the passage of the bill to engrossment, "Yeas" and "Nays" were demanded.

The bill as amended was passed to engrossment by the following vote:

Yeas—26

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Harrington	Wade
Hazlewood	Watson
Herring	Wilson

Nays—3

Hall	Word
Hardeman	

Absent—Excused

Blanchard	Strong
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Senate Bill 204 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 204 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	

Nays—2

Hall	Word
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Absent—Excused

Blanchard	Strong
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hall, Word and Hardeman asked to be recorded as voting "Nay" on the final passage of S. B. No. 204.

Senate Resolution 356

Senator Word offered the following resolution for Senator Aikin:

Whereas, We are honored today to have as a visitor in the Senate, Honorable Alfred Petsch of Fredericksburg; and

Whereas, We desire to welcome this

distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate, and extended the privileges of the floor for the day.

AIKIN
WORD

The resolution was read and was adopted.

The Presiding Officer (Senator Aikin in the Chair) presented Mr. Petsch to the Members of the Senate.

Senate Resolution 357

Senator Bates offered the following resolution:

Whereas, The Parks and Wildlife Commission of the State of Texas has refused to make available to the public certain information relative to its duties and activities as the governing body of the Lyndon B. Johnson State Park Fund; and

Whereas, The Resolution adopting the constitution, promulgated by the Parks and Wildlife Commission on May 31, 1965, for the administration of the Lyndon B. Johnson Park Fund provides that the administrators of the Fund shall receive compensation for any "incidental" expenses incurred related to the operation of "the Fund," thus creating an insalubrious climate within any agency of this state by allowing private emoluments to be paid state officials within such state agency; and

Whereas, The constitution adopted by the Parks and Wildlife Commission for the administration of the Lyndon B. Johnson Park Fund provides that when sufficient moneys are received to purchase land and make necessary improvements relative to the Lyndon B. Johnson Park, such park will be deeded to the State of Texas, thus creating future incumbrances for the state; and

Whereas, Such constitution further provides that all remaining assets of the Fund will be distributed to the Parks and Wildlife Department of the State of Texas for public purposes upon completion of such project; and

Whereas, State employees have been utilized in the augmentation and development of the Lyndon B. Johnson

Park, as evidenced by official news releases by the Commission on January 3, 1967; and

Whereas, Such activities by officials and employees of the State of Texas are subject to the scrutiny and examination of the Senate of the State of Texas; and

Whereas, Such information relative to the activities of officials and employees of the State of Texas has been denied the Senate General Investigating Committee, even though, as evidenced herein, the financial and administrative activities cited are indisputably within the realm of state affairs; and

Whereas, Such information should be made available to the taxpaying public and the members of the Legislature in order that no cloud of doubt as to the propriety of any activities relative to the Lyndon B. Johnson Park Fund by the State of Texas or any officials or employees of the State of Texas should be evident; and

Whereas, The Senate of the State of Texas is responsible to the public for the activities and functions of all state employees and agencies, and should properly exercise its responsibilities by satisfying itself as to the legality and propriety of such agencies and employees' activities; now, therefore, be it

Resolved by the Senate of the State of Texas:

1. That the Lieutenant Governor of the State of Texas establish a Parks and Wildlife Investigating Committee, to be composed of three members of the Senate, to investigate all aspects of state involvement in the Lyndon B. Johnson Park Fund and any other activities of the Parks and Wildlife Commission of the State of Texas; and, further

2. That such committee be empowered to examine all pertinent financial and administrative documents and records relative to the creation, continuance, and management of the Lyndon B. Johnson Park Fund and any other activities of the Parks and Wildlife Commission of the State of Texas; and, further

3. That the Investigating Committee be subject to the call of the chair and any necessary funds required to accomplish the goals established herein be provided; and, further

4. That said committee shall have

the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this State, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this State; and, further

5. That the Chairman of the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said Chairman shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said Chairman or any Peace Officer of this State; and said committee shall have authority to cite for contempt anyone disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said committee shall have power to inspect and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said committee, and to take possession of any files, records, papers in any department or agency of the State and to retain the same in its custody until any investigation in which such committee may be engaged or undertaken is completed, including any county or political sub-division of this State, and shall also have power to examine and audit the books of any person, firm, or corporation having dealings with departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such committee shall constitute a quorum for the transaction of official business; and, further

6. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed

witnesses before any grand jury in this state; and, further

7. Said committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations; and, further

8. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, and give counsel and assistance to said committee on request of chairman or members of said committee; and further

9. That said committee shall submit a report in writing to the 61st Legislature, and make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and contingent fund of the 60th Legislature and out of any fund otherwise appropriated by said Session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and contingent funds of said 60th Legislature to meet the payment of such expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

The resolution was read.

Senator Bates moved that further consideration of S. R. No. 357 be postponed until 11:00 o'clock a.m. on Tuesday, April 18, 1967.

Question on the Motion to Postpone S. R. No. 357, "Yeas" and "Nays" were demanded.

The motion was lost by the following vote:

Yeas—8

Bates	Grover
Bernal	Harrington
Brooks	Jordan
Cole	Mauzy

Nays—18

Aikin	Parkhouse
Christie	Patman
Creighton	Ratliff
Hall	Reagan
Hardeman	Schwartz
Herring	Wade
Hightower	Watson
Kennard	Wilson
Moore	Word

Absent

Berry	Hazlewood
Connally	

Absent—Excused

Blanchard	Strong
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On motion of Senator Kennard and by unanimous consent S. R. No. 357 was then referred to the Committee on Rules.

Senate Joint Resolution 4
on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas, amending Section 48a of Article III thereof, so as to provide for contributions on the basis of the full salary of members of the Teacher Retirement System; providing for the submission of the proposed amendment to a vote of the people at an election and for proclamation and publication thereof.

The resolution was read second time and passed to engrossment.

Senate Joint Resolution 4
on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Berry
Bates	Brooks
Bernal	Christie

Cole	Mauzy
Connally	Moore
Creighton	Parkhouse
Grover	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Schwartz
Hazlewood	Wade
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

Absent—Excused

Blanchard	Strong
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The Presiding Officer then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Blanchard	Strong
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Senate Bill 290 on Third Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S. B. No. 290, A bill to be entitled "An Act transferring control and management of West Texas State University from the Board of Regents, State Senior Colleges, to a new body to be called Board of Regents, West Texas State University; providing for the creation of a Governing Board to be appointed by the Governor and confirmed by the Senate etc., and declaring an emergency."

The bill was read third time and was passed.

Record of Votes

Senators Herring, Reagan, Parkhouse, Wade, Moore, Hardeman, Grover and Creighton asked to be recorded as voting "Nay" on the final passage of S. B. No. 290.

Senate Bill 525 Ordered Not Printed

On motion of Senator Cole and by unanimous consent S. B. No. 525 was ordered not printed.

Reports of Standing Committee

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,

April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 541, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

WORD

CHRISTIE

Austin, Texas,

April 4, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 85, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

CHRISTIE

WORD

House Bill 85 Ordered Not Printed

On motion of Senator Harrington and by unanimous consent H. B. No. 85 was ordered not printed.

**Senate Joint Resolution 1
on Second Reading**

Senator Harrington asked unanimous consent to suspend the regular order of business and take up S. J. R. No. 1 for consideration at this time.

There was objection.

Senator Harrington then moved to suspend the regular order of business and take up S. J. R. No. 1 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Herring
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Patman
Christie	Ratliff
Cole	Schwartz
Grover	Watson
Hall	Wilson
Harrington	

Nays—8

Creighton	Parkhouse
Hardeman	Reagan
Hazlewood	Wade
Moore	Word

Absent

Connally	Hightower
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Absent—Excused

Blanchard	Strong
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(President in Chair.)

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 1, Proposing an Amendment to the Constitution of the State of Texas to provide for an exemption of Three Thousand Dollars (\$3,000) of the value of residence homesteads of all persons sixty-five years of age or older from all ad valorem taxes levied by any county, city, town, school district or other political subdivision or instrumentality of the State.

The resolution was read second time and was passed to engrossment.

Record of Votes

Senators Creighton, Hardeman, Wade, and Parkhouse asked to be recorded as voting "Nay" on the passage of S. J. R. No. 1 to engrossment.

Senate Bill 525 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the

regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 525, A bill to be entitled "An Act amending Sections 1, 5, 6, 7 and 11, of H. B. 230, Chapter 272, Acts of the 52nd Legislature, Regular Session, 1951 (Art 2815t, V.T.C.S.); providing a repealing clause; and declaring an emergency."

The bill was read the second time.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 525, Section 2, by changing the figures "\$500,000,000" wherever they appear in said Section, to read "\$50,000,000."

The amendment was read and was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 525 by adding a new Section to be numbered Section 5a to read as follows:

"Section 5a. The role and scope, including authorized departments and offerings of degree and certificate programs at the effective date of this Act, of any college created under the authority of said Chapter 272 shall be subject to the determination and approval of the Coordinating Board, Texas College and University System; and it is provided further that construction and acquisition of buildings and facilities by any such college shall be subject to the provisions of Sec. 15 of Chapter 487, Acts of the 54th Legislature, Regular Session, 1955, as amended by Chapter 488, Acts of the 56th Legislature, Regular Session, 1959, as amended by Chapter 12, Acts of the 59th Legislature, Regular Session, 1965; and it is further provided that the Coordinating Board, Texas College and University System, shall determine the date upon which any college created hereunder shall begin courses of instruction."

The amendment was read and was adopted.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Herring, Schwartz, Creighton and Moore asked to be recorded as voting "Nay" on the passage of S. B. No. 525 to engrossment.

Senate Bill 525 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rules 32 and 38 requiring bills to be read on three several days be suspended and that S. B. No. 525 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Berry	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Grover	Wade
Hall	Watson
Hardeman	Wilson
Harrington	Word

Nays—5

Creighton	Moore
Hazlewood	Schwartz
Herring	

Absent

Connally	Hightower
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Absent—Excused

Blanchard	Strong
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Herring, Schwartz, Parkhouse, Wade, Creighton and Moore asked to be recorded as voting "Nay" on the final passage of S. B. No. 525.

Senate Bill 541 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent S. B. No. 541 was ordered not printed.

Motion to Adjourn

Senator Parkhouse moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion was lost by the following vote:

Yeas—9

Aikin	Moore
Berry	Parkhouse
Christie	Ratliff
Cole	Reagan
Grover	

Nays—17

Bates	Kennard
Bernal	Mauzy
Brooks	Patman
Creighton	Schwartz
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Herring	Word
Jordan	

Absent

Connally	Hightower
Hazlewood	

Absent—Excused

Blanchard	Strong
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Senate Bill 464 on Second Reading

Senator Kennard asked unanimous consent to suspend the regular order of business and take up S. B. No. 464 for consideration at this time.

There was objection.

Senator Kennard then moved to suspend the regular order of business and take up S. B. No. 464 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Harrington
Bates	Hazlewood
Bernal	Herring
Berry	Hightower
Brooks	Jordan
Christie	Kennard
Cole	Mauzy
Connally	Moore
Creighton	Patman
Hall	Ratliff
Hardeman	Reagan

Schwartz	Wilson
Wade	Word

Nays—3

Grover	Watson
Parkhouse	

Absent—Excused

Blanchard	Strong
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 464, A bill to be entitled "An Act directing the Board of Regents of the University of Texas to establish and maintain an Institute for Urban Studies in the Fort Worth-Dallas metropolitan area and the Board of Regents of the University of Houston to establish and maintain an Institute for Urban Studies in the Houston metropolitan area; providing for the duties of said Institutes; providing for organization and administration of said Institutes; authorizing the acceptance and use of funds, property and services by said Institutes; and declaring an emergency."

The bill was read second time.

Question—Shall S. B. No. 464 be passed to engrossment?

Memorial Resolution

S. R. No. 352—By Senator Brooks: Memorial resolution for Mrs. George P. Kirkpatrick, Jr.

Welcome and Congratulatory Resolutions

S. R. No. 353—By Senator Christie: Extending congratulations to Mrs. Virginia Turner of The El Paso Herald-Post.

S. R. No. 354—By Senator Patman: Extending welcome to Mr. and Mrs. Charles C. Nathanson and their daughter, Shari, and granting them privileges of the floor for the day.

S. R. No. 358—By Senator Brooks: Extending welcome to Judge Madison Rayburn of Houston.

Adjournment

On motion of Senator Aikin the Senate at 4:55 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
J. M. (Jack) Harris

Senator Herring offered the following resolution:

(Senate Resolution 351)

Whereas, In the passing of J. M. (Jack) Harris on March 16, 1967, the City of Austin and County of Travis suffered the loss of one who had contributed much to his community and to his State; and

Whereas, Jack Harris was a former resident of Snyder and of El Paso, and had resided in Austin for the past 31 years; and

Whereas, Jack Harris was a graduate of the University of Texas Law School, a charter member of the Chancellors, and an attorney until his retirement in January of 1967; and

Whereas, Jack Harris made many contributions during his lifetime as a first-class citizen and as an active member of the Tarrytown Baptist Church; and

Whereas, It is the desire of the Senate to honor the memory of J. M. (Jack) Harris and to express its deepest sympathy to his survivors; his wife; his son, Martin Harris of Austin; three granddaughters, Mrs. Nancy Cowan, Miss Judith Ann Harris, and Miss Faye Davis Harris, all of Austin; two great-grandchildren and one nephew, Sam Wood of Denver, Colorado; and now therefore be it

Resolved by the Senate of the 60th Legislature, That it does hereby extend sincere sympathy to the family of J. M. (Jack) Harris; that copies of this Resolution be sent to them by the Secretary of the Senate, under the seal of the Senate; and that when the Senate adjourns today, it do so in honor of J. M. (Jack) Harris.

HERRING

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Ratliff and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.